
SENATE BILL 5979

State of Washington

59th Legislature

2005 Regular Session

By Senators Benson, Carrell, Mulliken, Kastama, Poulsen, Parlette, Hewitt, Esser, Schmidt, Delvin, Berkey, Franklin, Sheldon, Brandland, Swecker, Schoesler, Zarelli, Honeyford, Rasmussen and Oke

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1 AN ACT Relating to search and rescue dogs; amending RCW 9.91.170;
2 and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.91.170 and 2003 c 53 s 52 are each amended to read
5 as follows:

6 (1)(a) Any person who has received notice that his or her behavior
7 is interfering with the use of a dog guide ((~~or~~)) service animal, or
8 search and rescue dog who continues with reckless disregard to
9 interfere with the use of a dog guide ((~~or~~)) service animal, or search
10 and rescue dog by obstructing, intimidating, or otherwise jeopardizing
11 the safety of the dog guide ((~~or~~)) service animal, or search and
12 rescue dog user or his or her dog ((~~guide~~)) or service animal is guilty
13 of a misdemeanor, except as provided in (b) of this subsection.

14 (b) A second or subsequent violation of this subsection is a gross
15 misdemeanor.

16 (2)(a) Any person who, with reckless disregard, allows his or her
17 dog to interfere with the use of a dog guide ((~~or~~)) service animal, or
18 search and rescue dog by obstructing, intimidating, or otherwise
19 jeopardizing the safety of the dog guide ((~~or~~)) service animal, or

1 search and rescue dog user or his or her dog (~~guide~~) or service
2 animal is guilty of a misdemeanor, except as provided in (b) of this
3 subsection.

4 (b) A second or subsequent violation of this subsection is a gross
5 misdemeanor.

6 (3) Any person who, with reckless disregard, injures, disables, or
7 causes the death of a dog guide (~~guide~~), service animal, or search and
8 rescue dog is guilty of a gross misdemeanor.

9 (4) Any person who, with reckless disregard, allows his or her dog
10 to injure, disable, or cause the death of a dog guide (~~guide~~), service
11 animal, or search and rescue dog is guilty of a gross misdemeanor.

12 (5) Any person who intentionally injures, disables, or causes the
13 death of a dog guide (~~guide~~), service animal, or search and rescue dog
14 is guilty of a class C felony punishable according to chapter 9A.20
15 RCW.

16 (6) Any person who wrongfully obtains or exerts unauthorized
17 control over a dog guide (~~guide~~), service animal, or search and rescue
18 dog with the intent to deprive the dog (~~guide~~) or service animal user
19 of his or her dog guide (~~guide~~), service animal, or search and rescue
20 dog is guilty of theft in the first degree, RCW 9A.56.030.

21 (7)(a) In any case in which the defendant is convicted of a
22 violation of this section, he or she shall also be ordered to make full
23 restitution for all damages, including incidental and consequential
24 expenses incurred by the dog guide (~~guide~~), service animal, or search
25 and rescue dog user and the dog (~~guide~~) or service animal which arise
26 out of or are related to the criminal offense.

27 (b) Restitution for a conviction under this section shall include,
28 but is not limited to:

29 (i) The value of the replacement of an incapacitated or deceased
30 dog (~~guide~~) or service animal, the training of a replacement dog
31 (~~guide~~) or service animal, or retraining of the affected dog
32 (~~guide~~) or service animal and all related veterinary and care
33 expenses; and

34 (ii) Medical expenses of the dog (~~guide~~) or service animal user,
35 training of the dog (~~guide~~) or service animal user, and compensation
36 for wages or earned income lost by the dog (~~guide~~) or service animal
37 user.

1 (8) Nothing in this section shall affect any civil remedies
2 available for violation of this section.

3 (9) For purposes of this section, the following definitions apply:

4 (a) "Dog guide" means a dog that is trained for the purpose of
5 guiding blind persons or a dog trained for the purpose of assisting
6 hearing impaired persons.

7 (b) "Service animal" means an animal that is trained for the
8 purposes of assisting or accommodating a disabled person's sensory,
9 mental, or physical disability.

10 (c) "Search and rescue dog" means a dog that is trained for the
11 purpose of search and rescue of persons lost or missing.

12 (d) "Notice" means a verbal or otherwise communicated warning
13 prescribing the behavior of another person and a request that the
14 person stop their behavior.

15 ~~((d))~~ (e) "Value" means the value to the dog guide ~~((or))~~
16 service animal, or search and rescue dog user and does not refer to
17 cost or fair market value.

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